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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/366,299	08/02/1999	SEOK-JIN HAM	678-318(P882	2887

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07/30/2003

PAUL J FARRELL ESQ
DILWORTH & BARRESE
333 EARLE OVINGTON BLVD
UNIONDALE, NY 11553

EXAMINER

NGUYEN, TU X

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 07/30/2003

13

Please find below and/or attached an Office communication concerning this application or proceeding.

9

Office Action Summary

Application No.

09/366,299

Applicant(s)

HAM, SEOK-JIN

Examiner

Tu X Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5,8-26 is/are pending in the application.
- 4a) Of the above claim(s) 6 and 7 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 and 8-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 1, 8, 16, 23 and 24 have been considered but are moot in ground(s) of previous rejection.
2. In response applicant, filed 6/19/03, argument "There is no disclosure in this section, nor any other section of Foladare, that teaches setting a time when a service resumption request is generated". Foladare discloses the bill charge is less than the duration of interruptable announcement (see col.5 lines 24-25 and lines 60-62); the start time, the duration and elapsed time of telephone call (see col.4 line 50 through col.5 line 5). And therefore, one of the ordinary skill would know that the billing record should indicate the start time and end time of telephone call as well as the start time and end time of announcement hold time.

Applicant argue that Foladare does not disclose "a service suspension request by the system". However, Foladare discloses under normal operation and by the system, "the billing record adjusts duration equal to the duration of the caller's telephone call minus the predetermined hold time" (see col.6 lines 10-16).

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 8, 16 and 23-24, rejected under 35 U.S.C. 102(e) as being anticipated by Foladare et al. (US Patent 5,805,991).

As to claims 1, 8-10, 12-13, 16, 19-20, and 23-26, Foladare et al. disclose a method of billing service in an electronic switch in a cellular network (see col.7 lines 14-16), comprising the steps of:

setting a time when service initiation request or a service resumption request is generated as a service start time and initiating a call (see col.4 lines 59-60);

setting a service suspension request time as a service end time upon generation of a service suspension request by the system during the service and suspending the

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service (see col.5 lines 20-35); wherein service suspension periods are interruptions of service by the system

sending billing data (see col.4 lines 50-51) including the service start time and the service end time in the service suspended state, and determining whether a service resumption request is generated (see col.5 line 52 through col.6 line 19); and

sending the service when a service termination request is generated in the service suspended state; (see col.6 lines 1-67).

As to claims 9-10, 12-13, 19-20 and 25-26, Foladare et al. disclose the service suspended period is the difference between a service suspension start time and service suspension end time (see col.5 line 65 through col.6 line 19).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 15 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foladare et al., in view of Hillson et al. (US Patent 6,094,644).

As to claims 15 and 22, Foladare et al. fail to disclose the billing data further includes the number of service suspension occurrences (see col.3 lines 30-38) record details corresponding to number of service suspension occurrences.

Hillson et al. disclose the billing data further includes the number of service suspension occurrences (see col.1 lines 55-60 and col.3 lines 30-38). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Foladare et al. with the above teaching of Hillson et al. in order to provide the charge amount being calculated associated with each service and the time indicated by the timer associated with each service.

8. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Foladare et al. and further in view of Smith (US Patent 5,742,667).

As to claims 2-3, Foladare et al. fail to disclose the service initiation request is generated when an outgoing call, an incoming call is answered (see col. lines 30-31).

Smith the service initiation request is generated when an outgoing call, an incoming call is answered (see col. lines 30-31). Therefore, It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Foladare et al. with the above teaching of Smith in order to provide billing process with time service when there is an incoming call or outgoing call is answered.

9. Claims 4-5, and 17-18, are rejected under 35 U.S.C. 103(a) as being unpatentable over Foladare et al. and further in view of Azuma et al. (US Patent 5,898,763).

As to claims 4-5 and 17-18, the modified Foladare et al. fail to disclose the service suspension signal is sent by the BSC to notify that a frames are not normally transmitted or a frame transmission resumes.

Azuma et al. disclose the service suspension signal is sent by the BSC to notify that a frames are not normally transmitted or a frame transmission resumes (see col.5 line 43-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Foladare et al. with the above teaching of Azuma et al. in order to notify that a frames are not normally transmitted or a frame transmission resumes for the purpose of detecting transmission error and resuming signal as a service start time.

10. Claims 11, 14 and 21, are rejected under 35 U.S.C. 103(a) as being unpatentable over Foladare et al. and further in view of Cauffman et al. (US Patent 5,325,290).

As to claim 11 and 21, Foladare et al. disclose everything as to claim 1 above. However, Foladare et al. fail to disclose designating an unique index.

Cauffman et al. disclose designating an unique index (see col.16 lines 45-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Foladare et al. with the above teaching of Cauffman et al. in order to provide an unique index for the purpose of the consumer or other associated systems ease of record retrieval.

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As to claim **14**, the modified Foladare et al. disclose the service suspension start time and the service suspension end time are stored according to different indexes (see Cauffman et al., col.20 lines 51-57).

Conclusion

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tu Nguyen whose telephone number is (703) 305-3427. The examiner can normally be reached on Monday through Friday from 8:30 a.m. to 5:00 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's acting supervisor, MAUNG NAY A, can be reached at (703) 308-7749.

Any inquiry of a general nature or relating to the status of this application should be directed to the Technology Center 2600 Customer Service Office at (703) 306-0377.

Any response to this action should be mailed to:


Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314 (Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

TN
July 21, 2003


NAY MAUNG
PRIMARY EXAMINER